

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

BRENDA JEAN BOYLE,

Plaintiff,

vs.

CAROLYN W. COLVIN, Commissioner  
of Social Security,

Defendant.

No. 15-CV-2043-LRR

**ORDER**

---

The matter before the court is United States Chief Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 18). The Report and Recommendation recommends that the court affirm the final decision of the Defendant Commissioner of Social Security ("Commissioner") denying Plaintiff Brenda Jean Boyle's application for Title II disability insurance benefits.

On June 9, 2015, Boyle filed a Complaint (docket no. 4), requesting judicial review of the Commissioner's decision to deny her application for disability insurance benefits. On September 11, 2015, the Commissioner filed an Answer (docket no. 9). The matter was briefed and referred to Judge Scoles on January 19, 2016 for issuance of a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). *See* Plaintiff's Brief in Support of Benefits (docket no. 14); Defendant's Brief (docket no. 15). On March 17, 2016, Judge Scoles issued the Report and Recommendation. In the Report and Recommendation, Judge Scoles advised the parties, "pursuant to 28 U.S.C. § 636(b)(1), that within fourteen . . . days after being served with a copy of th[e] Report and Recommendation, any party may serve and file written objections with the district court." Report and Recommendation at 26. Neither party has filed objections to the Report and Recommendation, and the time for doing so has passed.

Pursuant to statute, this court's standard of review for a magistrate judge's Report and Recommendation is as follows:

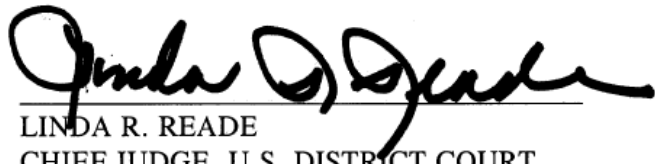
A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for de novo review of a magistrate judge's Report and Recommendation on dispositive motions when objections are made. Fed. R. Civ. P. 72(b)(3). The Eighth Circuit has held that it is reversible error for a district court to fail to conduct a de novo review of a magistrate judge's Report and Recommendation when such review is required. *See, e.g., United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003). The court reviews the unobjected-to portions of the proposed findings or recommendations for "plain error." *See United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) (noting that, where a party does not file objections to a magistrate's report and recommendation, the party waives the right to de novo review and the court will review the decision for plain error).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Scoles's Report and Recommendation of March 17, 2016. Accordingly, the Report and Recommendation (docket no. 18) is **ADOPTED**. The Complaint (docket no. 4) is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

**DATED** this 8th day of April, 2016.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA